

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

| | | |
|--------------------------|---|-------------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | Criminal No. 05-24 Erie |
| |) | |
| BARRY WAYNE LEWIS |) | |

MOTION TO CONTINUE TRIAL

AND NOW, comes the defendant, Barry Wayne Lewis, by his attorney, Thomas W. Patton, Assistant Federal Public Defender, and respectfully moves the Court to Continue the Trial currently set for November 28, 2005. In support thereof Counsel states:

1. Mr. Lewis is charged in a one count indictment with being a prohibited person in possession of a firearm in violation of Title 18 U.S.C. § 922(g).

2. Mr. Lewis' trial is currently set to begin on November 28, 2005.

3. The Court presently has under consideration Mr. Lewis' motion to suppress the firearm that forms that basis of the charge against him.

4. Due to the approaching trial date, the government is rapidly approaching the point at which it will begin preparing for trial, putting in jeopardy Mr. Lewis' ability to obtain the third point for acceptance of responsibility pursuant to U.S.S.G. § 3E1.1(b) should he decide to plead guilty if the Court denies the motion to suppress.

5. Accordingly, Mr. Lewis respectfully requests that this Honorable Court continue the trial date to the January 23, 2006 trial term.

6. Assistant United States Attorney Christine Sanner does not object to this motion.

WHEREFORE, defendant, Barry Wayne Lewis, respectfully requests that this Honorable Court continue the trial date currently set for November 28, 2005 to the January 23, 2006 trial term.

Respectfully submitted,

/s/ Thomas W. Patton

Thomas W. Patton

Assistant Federal Public Defender

PA I.D. No. 88653